

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KANOPY HOLDINGS, INC. and
CHRISTOPHER RORK,

Plaintiffs,

v.

WL GROUP LTD. and PO CHIU YUEN
(aka Larry Yuen),

Defendants.

Case No. 1:21-CV-03304-SDG

**THIRD CONSENT MOTION FOR EXTENSION OF TIME
TO SUBSTITUTE REPRESENTATIVE AND RENEW MOTION FOR
LEAVE TO FILE SECOND AMENDED COMPLAINT**

Defendant WL Group Limited (“WL Group”) and Plaintiffs Kanopy Holdings, Inc and Christopher Rork (“Plaintiffs” and, together with WL Group, the “Parties”) respectfully request that the Court grant Plaintiffs an extension of time through and including December 15, 2023 to move to substitute a representative of the deceased Defendant Po Chiu Yuen (“Mr. Yuen”) and renew their Motion for Leave to File Second Amended Complaint, Dkt. 31. The Parties state the following in support of this motion:

1. Defendant Mr. Yuen passed away on October 2, 2022.

2. Defendant WL Group and non-party Wing Luen Knitting Factory, Ltd. (“WL Knitting”) filed a Notice of Suggestion of Death, Dkt. 32, on October 12, 2022, which stayed the current proceedings as they related to Mr. Yuen and gave Plaintiffs ninety days to move to substitute a representative of his estate. *See* Fed. R. Civ. P. 25(a)(1).

3. The representatives of WL Group and non-party WL Knitting were unable to identify a representative of Mr. Yuen’s estate within the 90-day deadline.

4. On January 17, 2023, the Court granted Plaintiffs’ Emergency Motion to Stay, Dkt. 39, which stayed the proceedings against WL Group for sixty days, permitted Plaintiffs to conduct limited discovery to identify a representative of Mr. Yuen’s estate, and directed Plaintiffs to renew their Motion for Leave to File Second Amended Complaint, Dkt. 31, at the conclusion of the sixty-day discovery period. Plaintiffs served discovery requests on WL Group and non-party WL Knitting on January 31, 2023.

5. Prior to the deadline for WL Group and non-party WL Knitting to respond to Plaintiffs’ discovery requests, WL Group and non-party WL Knitting identified Mr. Yuen’s mother, Lau Yuen Chun, as the *likely* representative of Mr. Yuen’s estate, pending confirmation of the same by a court in Hong Kong.

6. On March 6, 2023, the Court granted the Parties' Consent Motion, Dkt. 42, which extended the deadline by which Plaintiffs must substitute a representative for Mr. Yuen and renew their motion for leave to file a Second Amended Complaint through and including May 19, 2023.

7. On May 4, 2023, Mr. Yuen's mother, Lau Yuen Chun, submitted an application to the Hong Kong court to be legally appointed as the estate's representative.

8. On May 17, 2023, the Court granted the Parties' Second Consent Motion, which extended the deadline by which Plaintiffs must substitute a representative for Mr. Yuen and renew their motion for leave to file a Second Amended Complaint through and including August 17, 2023.

9. On August 10, 2023, the Hong Kong court notified Ms. Chun that it estimated it will take not less than three months' time for it to consider her application and grant a letter of administration of the estate.

10. The Parties agree that until the Hong Kong court makes a determination regarding Lau Yuen Chun's application and/or appoints a representative of Mr. Yuen's estate appropriate for substitution under Rule 25(a), the litigation against WL Group should be stayed for a corresponding amount of time to avoid, *inter alia*, the inconvenience of parallel litigation.

11. The Parties are requesting this extension in good faith and not for the purpose of undue delay, and further submit that this extension will not prejudice the conduct of the litigation in this Court.

12. The Parties agree that WL Group and non-party WL Knitting shall not be obligated to respond to Plaintiffs' served discovery requests at this time, and that the deadline to provide such responses shall be extended for a time equal to the period of time of the stay entered by this Court, or by any shorter period that the Court may direct. The Parties and non-party WL Knitting acknowledge that Plaintiffs have not waived their right to receive fulsome responses to the pending discovery requests nor does any Order entered by this Court further staying proceedings in this case extinguish Plaintiffs' right to receive fulsome responses to the pending requests. However, the Parties and WL Knitting agree that the Hong Kong court's ultimate appointment of a representative for Mr. Yuen's estate, and WL Group's and WL Knitting's notification of such legal appointment to Plaintiffs, may obviate the need for such fulsome responses to the pending discovery.

13. For the Court's convenience, a proposed order is attached hereto as **Exhibit A**.

For the foregoing reasons, the Parties request that the Court grant this Motion, and extend Plaintiffs' deadline to move to substitute a representative for Mr. Yuen

and renew their Motion for Leave to File Second Amended Complaint through and including December 15, 2023, and that the Court stay the proceedings against WL Group for a corresponding amount of time.

Respectfully submitted this 14th day of August, 2023.

/s/ C. Denning Rodriguez

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CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D, I certify that the foregoing document was prepared in Times New Roman 14-point font, in compliance with Local Rule 5.1.C.

/s/ Mary M. Weeks

Mary M. Weeks

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2023, I electronically filed the Third Consent Motion For Extension Of Time To Substitute Representative and Renew Motion for Leave to File Second Amended Complaint with the Clerk of the Court using the CM/ECF system, which automatically serves notification of such filing to all counsel of record.

This 14th day of August, 2023.

/s/ Mary M. Weeks

Mary M. Weeks